(S7)

SINGLE BENCH

P.R. No. 5288/06
Presented by Shri T.N. Dubey
dated 21/9/06

CF 100/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 5245 Of 2006

PETITIONER : Sushil Kumar Patel ,aged about 33 years S/o Shri Yadumani Patel resident of Village Banjipali, Post Office , Salheona , Via Sariya, Tahsil Sarangarh , District Raigarh (CG).

P.R. No. dated Presented by Shri

VERSUS

RESPONDENTS :
1. The State of Chhattisgarh, through the Secretary , Department of School Education Mantralay , D.K.S. Bhawan, Raipur (CG).
2. Janpad Panchayat Baramkela , through its Chief Executive Officer at Baramkela, District Raigarh (CG).
3. Additional Collector, Raigarh District Raigarh (CG).
4. District Education Officer, District Raigarh (CG).

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

APARNA

(72)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (s) No. 5245 of 2006

Petitioner : Sushil Kumar Patel
Versus
Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Smt. Mala Dubey, counsel for the Petitioner.

Shri Sumesh Bajaj, Govt. Advocate for the State/respondents.

ORDER

(Passed on 4th October, 2006)

1. The petitioner has filed this petition seeking a direction for appointment of the petitioner on the post of Shiksha Karmi Grade-III on the basis of list prepared pursuant to the interview held on 24.6.1999. The petitioner further seeks seniority and back wages w.e.f. 1st July, 1999.

2. It is well settled that the petitioner has no right to appointment on the basis of select list, particularly, in the facts of the present case. According to learned counsel for the petitioner, the select list was published in June, 1999 on the basis of interview held on 24.6.1999.

3. The contention of learned counsel for the petitioner that similarly situated candidates, who were in the select list of June, 1999 and had approached this Court in the year 2002 and 2003, have been granted relief of appointment, is not

sustainable in law, as the petitioner has no right to appointment on the basis of his place in the select list. Even otherwise, the petitioner has slept over his right for a period of 7 years and this petition was filed on 21.9.2006 when the rights of the parties and other similarly situated candidates have been crystallized by this time. The petitioner has not submitted any reasons for unexplained inordinate delay of 7 years for approaching this Court.

4. It is well settled principle of law in view of the decisions of the Supreme Court in the cases of Jagdish Narain Maltiar Vs. The State of Bihar and others[1], P.S. Sadasivaswami Vs. State of Tamil Nadu[2] and Karnataka Power Corporation Ltd & Anr. Vs. V.K. Thangappan & Anr.[3], that repeated representations cannot justify a belated approach to the Courts. Entertaining belated approach would unsettle the settled matters, and the same should be avoided.

5. Looking from all angles, there is no merit in this case and as a result, this petition deserves to be and is dismissed accordingly.

Sd/-
Satish K.Agnihotri
Judge

Bablu

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[1]{(1973) 1 SCC 811}
[2]{(1975) 1 SCC 152}
[3]{2006 AIR SCW 1828}